

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-9 are pending, Claims 1, 2, 7 and 9 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1-9 were rejected as being anticipated by Roxbergh (U.S. Patent No. 6,553,016, hereinafter Roxbergh).

Claim 1, for example, is directed to a mobile communication system having a plurality of base stations and a radio controller configured to control each of the base stations. The radio controller includes, among other things, a reference power ratio decision unit which decides a reference power ratio based on a ratio of downlink transmission power of the base station that provides a determined cell to the maximum downlink transmission power of that base station.

In contrast, Roxbergh is based on a downlink power control system that performs soft handoff. In order to determine when to perform the soft handoff, both the average signal strength received (RSSI) and power (P) are sent to the radio network controller (RLN) (column 5, lines 4-5). The RCN then calculates $RSSI_{RATIO} = RSSI_A / RSSI_B$, and the down link transmission power ratio $P_{DOWN} = P_A / P_B$. The goal of the system in Roxbergh is to maintain $RSSI_{RATIO} = P_{DOWN}$.

Comparing amended Claim 1 with Roxbergh, amended Claim 1 requires a reference power ratio decision unit that decides a reference power ratio based on the ratio of downlink transmission power of the base station providing the determined cell to maximum downlink transmission power of the base station. In contrast, Roxbergh is based on a system in which the ratio of respective powers from cell A and cell B are calculated. Therefore, it is respectfully submitted that independent Claim 1 patentably defines over Roxbergh.

Although of differing statutory class and/or scope, it is respectfully submitted that Claims 2-9 also patentably define over the asserted prior art for substantially the same reasons as Claim 1.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-9, as amended, patentably define over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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